

**Acknowledgment and  
Notice of Acknowledgment  
of Acceptance of R.S. 2477  
Right-of-Way Grant**

**ENTRY NO. 00139795**

06/18/2008 02:09:21 PM B: 0351 P: 0145

Easements and Right of Ways PAGE 1 / 13

VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



**THE STATE OF UTAH**

**TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:**

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision Kane County as it pertains to the highway located in Kane County known as Kanab Canyon Road; County Road Number: K2565; State Geographic Information Database (SGID) Road Identification Number: RD130224. Total road length is 5.1 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as “Attachment 1,” a printed copy of representative photos of the road is appended hereto as “Attachment 2,” a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as “Attachment 3,” and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as “Attachment 4.” The Appendices listed in “Attachment 4” that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as “Attachment 5.”

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at <http://recorded2477roads.utah.gov>.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

**In Witness Whereof**, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 12<sup>th</sup> day of June, 2008.

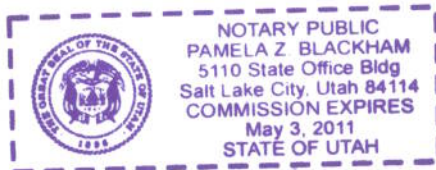
By the Governor's Designee

  
\_\_\_\_\_  
John Harja

### CERTIFICATION

State of Utah                     )  
   : ss  
County of Salt Lake         )

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.



Dated this 12<sup>th</sup> day of June, 2008.

  
\_\_\_\_\_  
Notary Public

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1:27,030  
1 inch equals 0.4 miles



**Kanab Canyon Road - Kane County**  
**SGID RD\_ID RD130224**

**Land Ownership Categories**

● BLM	◆ Wilderness
● Private	◆ UDWR Wildlife Reserve
● SITLA, State Trust Land	◆ DOD, Military
● USFS, National Forest	◆ State Sovereign Land
● State Parks and Recreation	◆ National Recreation Area
● Tribal, Indian Reservation	◆ USFWS, Natl. Wildlife Refuge
● NPS, National Park	

**Transportation Network**

— Kanab Canyon Road
— Title V: Issued Or Under Consideration By BLM Or County
— Other Roads
● Photo Event Point
□ Section = 1 Mile

Map prepared by the State of Utah  
 Automated Geographic Reference Center  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 Jun 10, 2008








EP130224005



EP130224007



EP130224035



EP130224041

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VERJEAN CARUSO, KANE COUNTY RECORDER  
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**Kanab Canyon Road - Kane County**  
**SGID RD\_ID RD130224**

Map prepared by the State of Utah  
Automated Geographic Reference Center  
Room 5130 State Office Building  
Salt Lake City, Utah 84114  
June 10, 2008



## Attachment 3

### Beginning & Ending Points and Township, Range, and Section References For:

**Popular Name:** Kanab Canyon Road

**County:** Kane

**County Road Number:** K2565

**State Geographic Information Database (SGID) Road Identification Number:** RD130224.

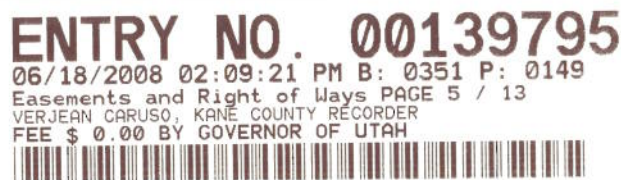
**Total Road Length:** 5.1 miles more or less.

**Beginning at a point** on the road centerline located at 37 degrees 06 minutes 47.21 seconds North Latitude and -112 degrees 33 minutes 17.54 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,332,816.9 feet and Y = 10,006,794.6 feet based on the US Survey Foot conversion.

**Ending at a point** on the road centerline located at 37 degrees 08 minutes 40.69 seconds North Latitude and -112 degrees 34 minutes 05.25 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,329,084.3 feet and Y = 10,018,315.8 feet based on the US Survey Foot conversion.

This road may traverse:

Township 42 South Range 6 West, Section(s) 17,19,20,29,32, Salt Lake Base & Meridian  
See Attachment 1 above for a cartographic depiction of the course of this road.





**Attachment 4**  
**Road Centerline Description Cover Page(s)**

**Popular Name: Kanab Canyon Road**

**County: Kane**

**County Road Number: K2565**

**State Geographic Information Database (SGID) Road Identification Number: RD130224.**

**Total Road Length: 5.1 miles more or less.**

**Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).**

<b>Road-Segments Listed by SGID Road Identification Number (RD_ID)</b>	<b>Road-Segment Numbers</b>	<b>Believed Ownership Of Servient Estate</b>	<b>Approximate Segment Length</b>	<b>See Attached Appendix</b>
<b>RD130224</b>	<b>001</b>	<b>ST</b>	<b>1.12 Miles</b>	<b>(not shown)</b>
<b>RD130224</b>	<b>002</b>	<b>PVT</b>	<b>3.6 Miles</b>	<b>(not shown)</b>
<b>RD130224</b>	<b>003</b>	<b>BLM</b>	<b>0.39 Miles</b>	<b>A</b>
		<b>Total Road Length</b>	<b>5.1</b>	<b>_____</b>

\* Indicates that a Title V permit will be requested, is in process, or has been issued.

† Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

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VERJEAN CARUSO, KANE COUNTY RECORDER

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## Attachment 5

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VERJEAN CARUSO, KANE COUNTY RECORDER

FEE \$ 0.00 BY GOVERNOR OF UTAH



**AFFIDAVIT OF KURT BRINKERHOFF**

**KANAB CANYON ROAD**

**COUNTY ROAD NUMBER K2565**

**KANE COUNTY, UTAH**

State of Utah                     )  
  : ss.  
County of Kane                 )

KURT BRINKERHOFF, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I have lived in Kane County for 68 years. I was born July 6, 1939.

2. I have traveled and am familiar with a road in Kane County known as the Kanab Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1955, it followed the same route as in 2006 when I last observed it. Attached is a Kane County map showing Kanab Canyon Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early 1955 and continuing through 1976 to 2006. Throughout this time period I have observed travel on the road by various means, including motor homes, cars, maintenance vehicles, trucks, jeeps and ATV's.

Throughout this time period, the road has been used daily for more than ten continuous years prior to 1976, and continuing through 2006.

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4. Throughout the time period from 1955 to 2006, I have used the road myself for recreation, wood gathering, hunting and traveling in and through the area.

5. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus camping, tourism and government access.

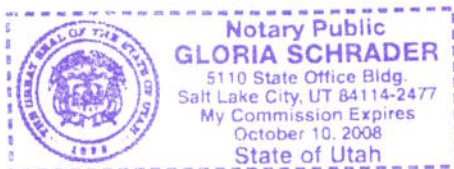
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1900s and continuing through 1976 to the present, for the uses described in the previous paragraphs.

7. Prior to 1976, I observed the graded surface of the road. The road is now paved.


Dated this 15 day of May, 2007.

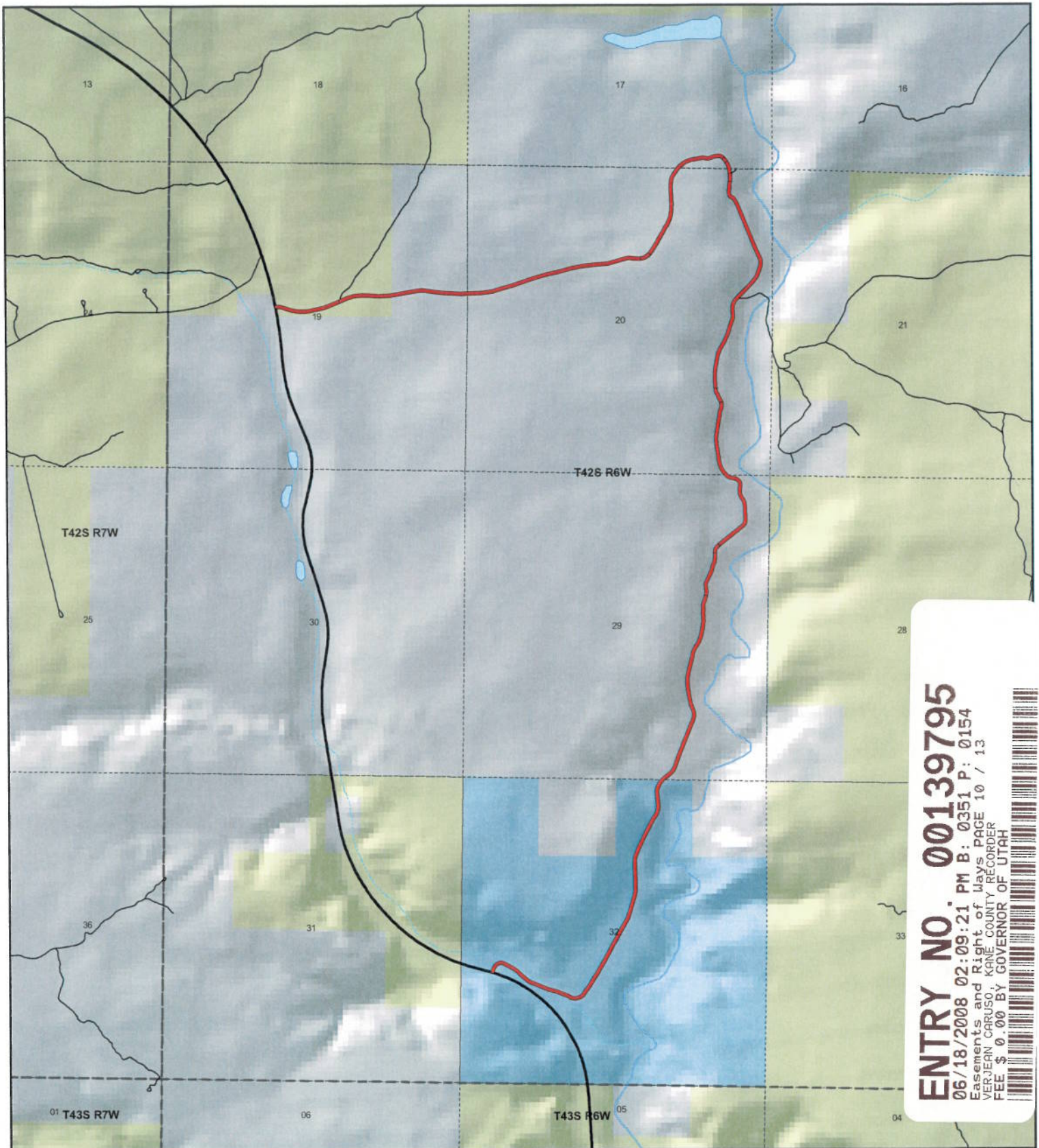
  
KURT BRINKERHOFF

SUBSCRIBED AND SWORN to before me this 15th day of May, 2007.

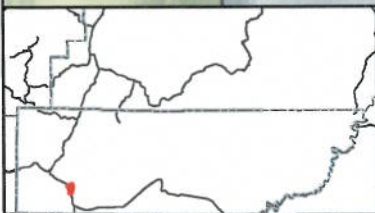


  
NOTARY PUBLIC

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### Kanab Canyon County Unique - K2565

#### Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

#### Transportation Network

- Kanab Canyon
- State / U.S. Highway
- Local Roads

#### Misc

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:26,559

1 inch equals 0.4 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 May 07, 2007





**AFFIDAVIT OF NORMAN CARROLL**

**KANAB CANYON ROAD**

**COUNTY ROAD NUMBER K2565**

**KANE COUNTY, UTAH**


State of Utah                     )  
  :SS  
County of Kane                 )

NORMAN CARROLL, being first duly sworn, deposes and states as follows:

1. I am an adult competent to testify about the matters set forth below based upon my personal knowledge. I currently reside in Orderville, Kane County. I was born in Kane County and have lived here my entire life, 77 years.

2. I have traveled and am familiar with a road in Kane County known as Kanab Canyon Road. I am also familiar with the land the road traverses. When I first used and observed the road in the early 1950s, it followed the same route as in 2007 when I last observed it. Attached is a Kane County map showing Kanab Canyon Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map. The County also identifies this road according to the road number listed above.

3. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1950s and continuing through 1976 to 2007. Throughout this time period I have observed travel on the road by various means, including, automobiles, pickup trucks, ATVs and jeeps. Throughout this

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time period, the road has been used at least daily for more than ten continuous years prior to 1976, and was used daily in 2007.

4. Throughout the time period from the early 1950s to 2007, I have used the road myself for travel in and through the area, business--hauling livestock for the production of the movie McKenna's Gold-- sight seeing, and recreation.

5. Throughout the time period described in the previous paragraph, I have observed vehicles using the road at various times for the uses described in the previous paragraph, plus, livestock operations and access to private property.

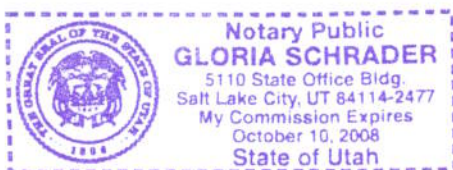
6. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least the late 1800's or early 1900's and continuing through 1976 to the present, for the uses described in the previous paragraphs. The pioneers used this road in the early settling of the area.

7. Prior to 1976, I observed heavy equipment performing maintenance and construction activities on the road. The road is now paved.


Dated this 15 day of May, 2007.

Norman Carroll  
NORMAN CARROLL

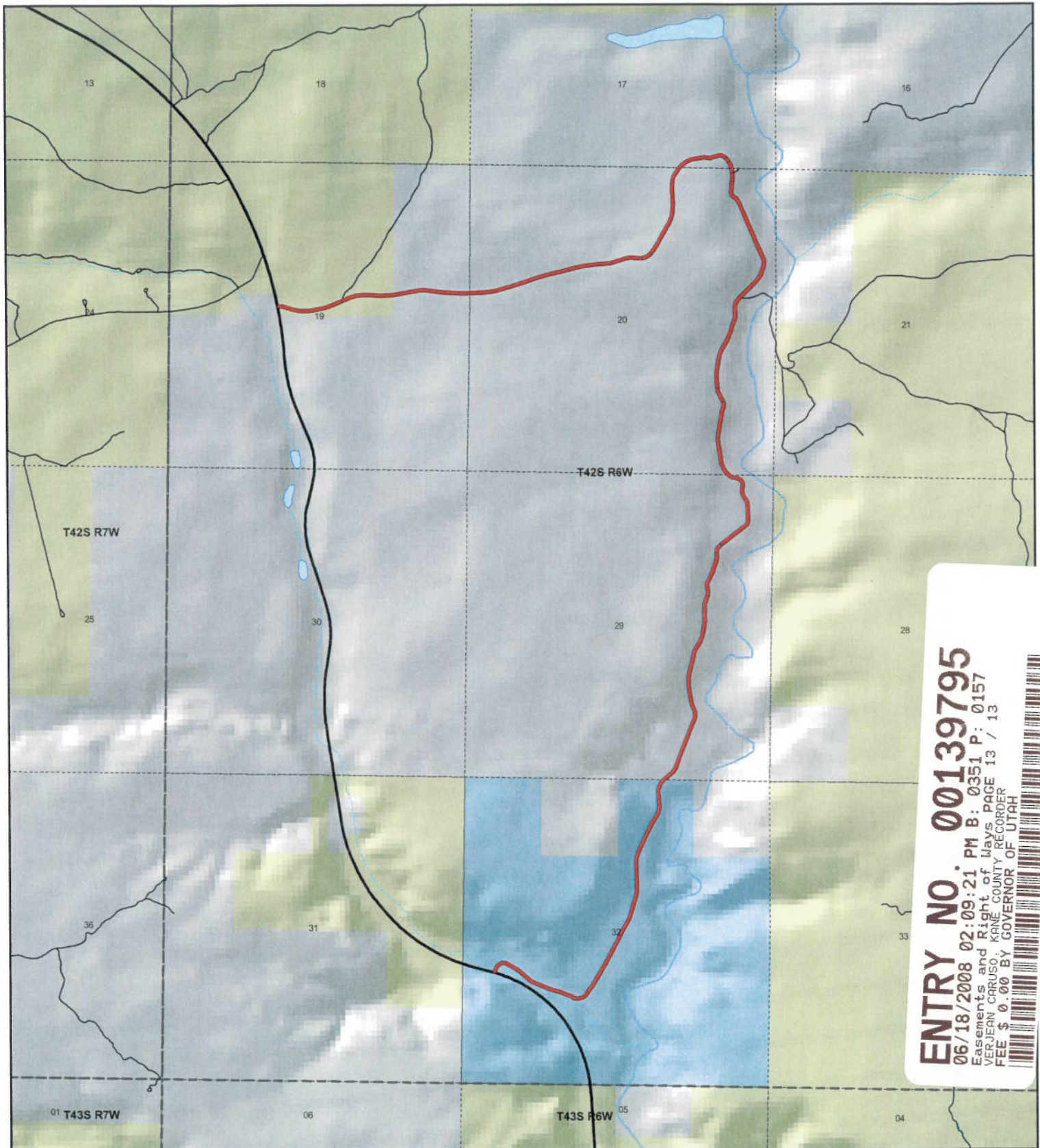
SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of May, 2007.



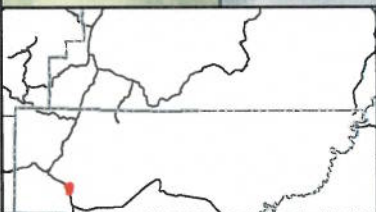
Gloria Schrader  
NOTARY PUBLIC

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### Kanab Canyon County Unique - K2565

#### Land Ownership Categories

- BLM
- Private
- SITLA, State Trust Land
- USFS, National Forest
- Wildlife Reserve
- National Park/Monument (NPS)
- National Rec. Area
- Wilderness
- State Park

#### Transportation Network

- Kanab Canyon
- State / U.S. Highway
- Local Roads

#### Misc

- City / Town
- Municipalities
- Section = 1 Mile
- Monument Boundary



1:26,559

1 inch equals 0.4 miles



Map prepared by the State of Utah  
 AGRC  
 Room 5130 State Office Building  
 Salt Lake City, Utah 84114  
 May 07, 2007





## Appendix A to Attachment 4

**Popular Name: Kanab Canyon Road**

**County: Kane**

**County Road Number: K2565**

**State Geographic Information Database (SGID) Road Identification Number: RD130224.**

**Road-Segment Number: 003**

**Road-Segment Length: 0.39 miles more or less.**

**Believed owner of the land underlying this road-segment is: Bureau of Land Management.**

*The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).*

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 42 South Range 6 West, Section(s) 19, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (Kanab Canyon Road)-- Segment 003 based on mapping grade Global Positioning System (GPS) data as defined above:

**Beginning at a point** on the road center line located at 37 degrees 08 minutes 42.88 seconds North Latitude and -112 degrees 33 minutes 40.83 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 1,331,063.9 feet and Y = 10,018,514.9 feet; thence the following courses along the said road center line:

thence South 82 Degrees 05 Minutes 14 Seconds West 39.1 feet  
thence South 85 Degrees 31 Minutes 57 Seconds West 67.6 feet  
thence South 88 Degrees 45 Minutes 58 Seconds West 99.9 feet  
thence North 87 Degrees 58 Minutes 19 Seconds West 202.6 feet  
thence North 89 Degrees 49 Minutes 46 Seconds West 101.5 feet  
thence South 84 Degrees 47 Minutes 04 Seconds West 76.5 feet  
thence South 79 Degrees 37 Minutes 16 Seconds West 51.5 feet  
thence South 77 Degrees 01 Minutes 37 Seconds West 52.5 feet  
thence South 72 Degrees 22 Minutes 37 Seconds West 52.2 feet  
thence South 67 Degrees 51 Minutes 04 Seconds West 127.8 feet  
thence South 54 Degrees 07 Minutes 22 Seconds West 4.7 feet  
thence South 54 Degrees 19 Minutes 57 Seconds West 8 feet



thence South 65 Degrees 48 Minutes 27 Seconds West 24.3 feet  
 thence South 66 Degrees 51 Minutes 39 Seconds West 156.4 feet  
 thence South 70 Degrees 37 Minutes 09 Seconds West 102.9 feet  
 thence South 73 Degrees 16 Minutes 37 Seconds West 52.2 feet  
 thence South 76 Degrees 28 Minutes 46 Seconds West 111.1 feet  
 thence South 79 Degrees 28 Minutes 42 Seconds West 110.9 feet  
 thence South 81 Degrees 52 Minutes 52 Seconds West 54.2 feet  
 thence South 84 Degrees 26 Minutes 00 Seconds West 53.5 feet  
 thence North 88 Degrees 33 Minutes 02 Seconds West 81 feet  
 thence North 84 Degrees 10 Minutes 06 Seconds West 53.8 feet  
 thence North 77 Degrees 32 Minutes 11 Seconds West 78 feet  
 thence North 73 Degrees 05 Minutes 15 Seconds West 169.2 feet  
 thence North 75 Degrees 52 Minutes 32 Seconds West 26.4 feet  
 thence North 77 Degrees 45 Minutes 49 Seconds West 15.1 feet  
 thence North 88 Degrees 03 Minutes 53 Seconds West 63.3 feet more or less to **the ending**  
**point at:** 37 degrees 08 minutes 40.69 seconds North Latitude and -112 degrees 34 minutes 05.25 seconds  
 West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet  
 coordinates of X = 1,329,084.3 feet and Y = 10,018,315.8 feet.